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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------------|---------------------|------------------|
| 10/088,941      | 03/21/2002  | Hendrick Lambertus Lagerwey |                     | 4700             |

7590 04/23/2003

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| EXAMINER |
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MOHANDESI, IRAJA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|          | 2834         |

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>             |  |
|------------------------------|------------------------|---------------------------------|--|
|                              | 10/088,941             | LAGERWEY, HENDRICK<br>LAMBERTUS |  |
| Examiner                     | Art Unit               |                                 |  |
| Iraj A Mohandes              | 2834                   |                                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 March 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

## **Disposition of Claims**

4)  Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,4-6 and 9 is/are rejected.

7)  Claim(s) 3,7 and 8 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 21 March 2002 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ .      6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 5,6,9** are rejected under 35 U.S.C. 102(b) as being anticipated by **Birgel US patent 4,421,967.**

**Birgel'967** discloses a windmill (10, column 1, line 61, Fig. 1) for generating electric current with the aid of a generator (Fig. 2) which is driven by vanes (16, column 1, line 65, Fig. 1) and is provided with a rotor (28, column 2, line 39, Fig. 1), a stator (33, column 2, line 40, Fig. 2) and a bearing (19, column 2, line 3) a closed chamber (21, column 2, line 3, Fig. 2) with at least one air seal (18, column 2, line 18) between rotating parts and stationary parts of the generator and with the stator mounted within the closed chamber (see Fig. 2) and further comprising means (24b, the temperature sensor column 2, line 15, Fig. 6) for keeping the stator (33) at more or less the same temperature as the bearing (18) providing an air-tight seal the seal is inherently selected so as to be capable of sealing in a super atmospheric pressure.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 2,4** are rejected under 35 U.S.C. 103(a) as being unpatentable over

**Birgel'967** and in view of **Joo US patent 5,617,649**.

**Birgel'967** discloses a windmill (10, column 1, line 61, Fig.1) for generating electric current with the aid of a generator (Fig.2) which is driven by vanes (16, column 1, line 65, Fig.1) and is provided with a rotor (28, column 2, line 39, Fig.1), a stator (33, column 2, line 40, Fig.2) and a bearing (19, column 2, line 3) a closed chamber (21, column 2, line 3, Fig.2) with at least one air seal (18, column 2, line 18) between rotating parts and stationary parts of the generator and with the stator mounted within the closed chamber (see Fig.2) and further comprising means (24b, the temperature sensor column 2, line 15, Fig.6) for keeping the stator (33) at more or less the same temperature as the bearing (18) providing an air-tight seal the seal is inherently selected so as to be capable of sealing in a super atmospheric pressure.

However **Birgel'967** teaches all limitation of the claim except only a means for supplying dry air and a switch to operate the air drier means.

**Joo'649** teaches a means for supplying dry air (31, column 2, line 51, Fig.3) and a switch (column 21, Fig.3) to operate the air drier means for the purpose of preventing the moisture to damage the generator.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine **Birgel'967** windmill generator with a means for

supplying dry air and a switch to operate the air drier means as taught by Joo'649 for the purpose of preventing the moisture to damage the generator.

***Allowable Subject Matter***

5. **Claims 3,7and 8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Communication***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandes who's telephone number is (703)305-3242. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

IM            April 18, 2003



DANGLE  
PRIMARY EXAMINER